

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
	)	
CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

---

**MOTION OF THE DETROIT RETIREMENT SYSTEMS FOR AN ORDER  
EXTENDING DEADLINE TO RESPOND TO DISCOVERY REQUESTS**

The Police and Fire Retirement System of the City of Detroit and the General Retirement System of the City of Detroit (together, the “Retirement Systems”) submit this Motion (the “Motion”) for entry of an order extending the deadline for the Retirement Systems to respond to the Debtor’s Requests for Production of Documents to the Detroit Retirement Systems (the “Document Requests”) and the Debtor’s Interrogatories to the Detroit Retirement Systems (the “Interrogatories” and together with the Document Requests, the “Discovery Requests”). In support of this Motion, the Retirement Systems respectfully state as follows:

## Background and Relief Requested

1. On April 11, 2014, the City served the Discovery Requests upon the Retirement Systems.

2. Responses to the Discovery Requests are due on May 6, 2014 pursuant to the Fourth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment [Dkt. No. 4202] (the "Plan Scheduling Order").

3. The Plan Scheduling Order provides that "[t]he dates and deadlines established herein will be extended only on motion establishing good cause." Plan Scheduling Order at p. 3.

4. On May 5, 2014, counsel for the Retirement Systems requested, from counsel for the City, an extension of time to file and serve written responses to the Discovery Requests and also proposed a rolling document production, including a privilege log, to begin on May 6, 2014 and to be completed by May 13, 2014.

5. Counsel for the City agreed that the Retirement Systems could serve written responses to the Discovery Requests on Wednesday, May 7, 2014 and generally agreed with the rolling production concept proposed by the Retirement Systems.

6. Subsequent to its communications with counsel for the City, the Retirement Systems concluded that it would unlikely be able to complete

production of documents, including electronically stored information, and the related privilege log responsive to the Document Requests by May 13, 2014 due to the number of custodians and custodial entities.

7. As a result, late in the afternoon on May 6, 2014, the Retirement Systems proposed that the production completion deadline be extended until May 19, 2014 and sent a proposed Stipulation to Entry of Order Extending Deadline to Respond to Discovery Served by the City of Detroit Upon the Detroit Retirement Systems (the “Proposed Order”) to the City for review. A copy of the Proposed Order is attached hereto as Exhibit 5-A.

8. As of the filing of this Motion, the Retirement Systems have not received a response to or comments upon the Proposed Order from the City.

9. On May 6, 2014, consistent with the Proposed Order, the Retirement Systems produced documents to the City in response to the Document Requests. In addition, throughout this case, the Retirement Systems have produced a substantial number of documents to the City in response to its requests for information, many of which are also responsive to the Document Requests.

10. The Retirement Systems believe that the City has agreed to extend their deadline for filing written responses to the Discovery Requests through and including May 7, 2014. See Email from Geoff Irwin dated May 5, 2014 at 12:02 p.m. attached hereto as Exhibit 5-B.

11. The Retirement Systems also believe that issues, if any, relating to the timing of their production of documents, including electronically stored information, and any related privilege log will be resolved during further discussion with the City.

12. The Retirement Systems file this Motion out of an abundance of caution and are optimistic that the issues raised herein will be able to be resolved within the next 24 hours through further discussions with the City.

13. Moreover, the extensions of time sought by the Retirement Systems are fairly nominal extensions, but would be significant to the Retirement Systems. The requested extension for serving written discovery responses is one day. The production of documents has already commenced and will be completed on or before May 19, 2014. Good cause exists for granting the relief requested in this Motion because the extensions would not result in any change to the events set forth in the Plan Scheduling Order and will not delay the confirmation process.

14. The Court is authorized to grant the requested relief pursuant to Fed. R. Bankr. P. 9006(c)(1) and E. D. Mich. LBR 9006-1(b).

WHEREFORE, for the reasons set forth above, the Retirement Systems respectfully request that this Court enter an order substantially in the form attached hereto as Exhibit 1 and grant such other relief as the Court deems proper.

Dated: May 6, 2014

Respectfully submitted,

CLARK HILL PLC

/s/ Shannon L. Deeby

Robert D. Gordon (P48627)

Shannon L. Deeby (P60242)

Jennifer K. Green (P69019)

151 South Old Woodward Avenue

Suite 200

Birmingham, Michigan 48009

Telephone: (248) 988-5882

Facsimile: (248) 988-2502

rgordon@clarkhill.com

*Counsel to the Police and Fire Retirement  
System of the City of Detroit and the General  
Retirement System of the City of Detroit*

# EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
	)	
CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

---

**ORDER GRANTING MOTION OF THE DETROIT RETIREMENT  
SYSTEMS FOR AN ORDER EXTENDING DEADLINE TO RESPOND  
TO DISCOVERY REQUESTS**

This matter having come before the Court upon the Motion of the Detroit Retirement Systems for an Order Extending Deadline to Respond to Discovery Requests (the “Motion”); the Court having considered the Motion and finding that good cause exists for granting the relief requested:

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. The Retirement Systems’ written responses and objections to the Discovery Requests shall be served on or before May 7, 2014.
3. The Retirement Systems’ rolling production of documents responsive to the Document Requests shall begin on May 6, 2014.

4. The Retirement Systems' rolling production of documents, including electronically stored information, and the related privilege log responsive to the Document Requests shall be completed by Monday, May 19, 2014.

5. The City and the Retirement Systems may stipulate to further extend:  
(a) the deadline for written responses and objections to the Discovery Requests and  
(b) the Retirement Systems' deadline for completing production of documents, including electronically stored information, and the related privilege log.

6. The Retirement Systems may seek additional extensions of time to respond or object to the Discovery Requests and to produce responsive documents, including electronically stored information, and the related privilege log directly from the Court.



# EXHIBIT 2

(An *Ex Parte Motion* requesting shortened notice and an expedited hearing will be filed simultaneously herewith.)

# EXHIBIT 3

(Brief in Support – None Required)

# EXHIBIT 4

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
	)	
CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

---

**CERTIFICATE OF SERVICE**

The undersigned certifies that on May 6, 2014, Motion of the Detroit Retirement Systems for an Order Extending Deadline to Respond to Discovery Requests was filed using the Court's CM/ECF system, which CM/ECF system will send notification of such filing to all parties of record.

CLARK HILL PLC

/s/ Shannon L. Deeby

Robert D. Gordon (P48627)

Shannon L. Deeby (P60242)

Jennifer K. Green (P69019)

151 S. Old Woodward Avenue, Suite 200

Birmingham, Michigan 48009

Telephone: (248) 988-5882

rgordon@clarkhill.com

*Counsel to the Police and Fire Retirement  
System of the City of Detroit and the General  
Retirement System of the City of Detroit*

Dated: May 6, 2014

# EXHIBIT 5-A

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
	)	
CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

---

**STIPULATION TO ENTRY OF ORDER EXTENDING DEADLINE TO  
RESPOND TO DISCOVERY SERVED BY THE CITY OF DETROIT UPON  
THE DETROIT RETIREMENT SYSTEMS**

The City of Detroit, Michigan, the Police and Fire Retirement System of the City of Detroit, and the General Retirement System of the City of Detroit stipulate to entry of the Order Extending Deadline to Respond to Discovery Served by the City of Detroit Upon the Detroit Retirement Systems attached hereto as Exhibit A.

**STIPULATED AND AGREED TO BY:**

JONES DAY

CLARK HILL PLC

/s/ \_\_\_\_\_

Geoffrey S. Irwin  
51 Louisiana Avenue, NW  
Washington, DC 20001-2113  
Telephone: (202) 879-3768  
gsirwin@jonesday.com

/s/ Shannon L. Deeby \_\_\_\_\_

Robert D. Gordon (P48627)  
Shannon L. Deeby (P60242)  
Jennifer K. Green (P69019)  
Sean P. Gallagher (P73108)  
151 S. Old Woodward Avenue, Suite 200  
Birmingham, Michigan 48009  
Telephone: (248) 988-5882  
Facsimile: (248) 988-2502  
rgordon@clarkhill.com

*Counsel to the City of Detroit,  
Michigan*

*Counsel to the Police and Fire Retirement  
System of the City of Detroit and the General  
Retirement System of the City of Detroit*

Dated: May 6, 2014

# **EXHIBIT A**



**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
	)	
CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

---

**ORDER EXTENDING DEADLINE TO RESPOND TO DISCOVERY  
SERVED BY THE CITY OF DETROIT UPON  
THE DETROIT RETIREMENT SYSTEMS**

This matter having come before the Court upon the Stipulation of the City of Detroit, Michigan (the “City”), the Police and Fire Retirement System of the City of Detroit (the “PFRS”), and the General Retirement System of the City of Detroit (the “GRS” and together with the PFRS, the “Retirement Systems”); the City having served the Debtor’s Requests for Production of Documents to the Detroit Retirement Systems (the “Document Requests”) and the Debtor’s Interrogatories to the Detroit Retirement Systems (the “Interrogatories” and together with the Document Requests, the “Discovery Requests”); responses to the Discovery Requests being due on May 6, 2014 pursuant to the Fourth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor’s Plan of Adjustment [Dkt. No. 4202] (the “Plan Scheduling Order”); the Retirement

Systems having previously produced certain responsive documents, but requiring additional time to complete written responses and objections to the Discovery Requests and to complete production of responsive documents, including electronically stored information, and the related privilege log; the parties having agreed to an extension of the deadline for responding or objecting to the Discovery Requests and for producing responsive documents, electronically stored information, and the related privilege log; and, the Court finding that good cause exists for granting the relief herein:

**IT IS HEREBY ORDERED THAT:**

1. The Retirement Systems' written responses and objections to the Discovery Requests shall be served on or before May 7, 2014.
2. The Retirement Systems' rolling production of documents responsive to the Document Requests shall begin on May 6, 2014.
3. The Retirement Systems' rolling production of documents, including electronically stored information, and the related privilege log responsive to the Document Requests shall be completed by Monday, May 19, 2014.
4. The City and the Retirement Systems may stipulate to further extend:
  - (a) the deadline for written responses and objections to the Discovery Requests and
  - (b) the Retirement Systems' deadline for completing production of documents, including electronically stored information, and the related privilege log.

5. The Retirement Systems may seek additional extensions of time to respond or object to the Discovery Requests and to produce responsive documents, including electronically stored information, and the related privilege log directly from the Court.

# EXHIBIT 5-B

---

**From:** Geoffrey S Irwin <gsirwin@JonesDay.com>  
**Sent:** Monday, May 05, 2014 12:02 PM  
**To:** Gallagher, Sean P.  
**Subject:** RE: Discovery

Wednesday would be fine.

Geoffrey S. Irwin  
Partner  
JONES DAY® - One Firm Worldwide<sup>SM</sup>  
51 Louisiana Avenue, NW  
Washington, DC 20001-2113  
Office +1.202.879.3768  
[gsirwin@jonesday.com](mailto:gsirwin@jonesday.com)

From: "Gallagher, Sean P." <[SGallagher@ClarkHill.com](mailto:SGallagher@ClarkHill.com)>  
To: Geoffrey S Irwin <[gsirwin@JonesDay.com](mailto:gsirwin@JonesDay.com)>,  
Date: 05/05/2014 10:18 AM  
Subject: RE: Discovery

---

Geoff,

Thanks for the quick response. Understood and appreciated. Would Wednesday or Thursday on written discovery be enough time in advance of Monday for you? If we needed to confer, we would still at least have Thursday and/or Friday.

Sean

**Sean Gallagher**

CLARK HILL PLC  
| 517.318.3060 (direct) | 517.230.3630 (mobile)  
[sgallagher@clarkhill.com](mailto:sgallagher@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

**From:** Geoffrey S Irwin [<mailto:gsirwin@JonesDay.com>]  
**Sent:** Monday, May 05, 2014 9:21 AM  
**To:** Gallagher, Sean P.  
**Cc:** Heather Lennox  
**Subject:** Discovery

Sean:

Heather sent me your discovery request and I'm not sure we would want to push the compliance date for written discovery out from tomorrow and try and reschedule Monday's hearing (even just in part). I don't get the sense from last Monday that Rhodes would go for that. The rolling document production you've proposed seems fine though.

Geoff

Geoffrey S. Irwin

Partner

**JONES DAY® - One Firm Worldwide<sup>SM</sup>**

51 Louisiana Avenue, NW

Washington, DC 20001-2113

Office +1.202.879.3768

[gsirwin@jonesday.com](mailto:gsirwin@jonesday.com)

=====

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

=====

LEGAL NOTICE: This e-mail is for the exclusive use of the intended recipient(s), and may contain privileged and confidential information. If you are not an intended recipient, please notify the sender, delete the e-mail from your computer and do not copy or disclose it to anyone else. Your receipt of this message is not intended to waive any applicable privilege. Neither this e-mail nor any attachment(s) establish an attorney-client relationship, constitute an electronic signature or provide consent to contract electronically, unless expressly so stated by a Clark Hill attorney in the body of this e-mail or an attachment.

FEDERAL TAX ADVICE DISCLAIMER: Under U. S. Treasury Regulations, we are informing you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

=====

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

=====